

REMARKS

The pending Office Action allowed claims 12-21 and rejected claims 22-81 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 7,073,504 to Callister.

Claims 22-34 and 38-81 are cancelled and new claims 82-105 have been added (each of which depends from one of the allowed claims).

Applicants' Summary Of The Interview Of October 19, 2006

Applicants wish to thank SPEs Patricia Bianco and Henry Bennett, SPRE Jessica Harrison and Examiner Brown for the courtesies extended during the interview conducted on October 19, 2006 with Applicants' representatives Howard Wisnia, James Conley and James Scheller.

During the interview, Applicants' representatives provided background on the relevant history of Conceptus (Assignee of the present application), Conceptus' Essure product, AMS/Ovion (Assignee of the Callister patents), and the potential interference between certain Conceptus and AMS/Ovion patents and applications. In the process, Applicants presented an example of the Essure device and a depiction of its use within the fallopian tube. In addition, Applicants provided a chart detailing all of the U.S. patents and applications owned by Conceptus that are related to the present application and directed to similar subject matter, and a chart of the AMS application family that is directed to the same or similar subject matter.

Applicants' representatives and the Examiners agreed that pending claims 35-37 are supported by Applicants' 1995 filings. In view of this agreement, Applicants respectfully submit that the rejection based upon Callister U.S. Pat. No. 7,073,504 should be withdrawn.

Applicants noted that pending claims 22-34 and 34-81 would be canceled without prejudice as they were copied from or substantially corresponded to claims of App. Ser. No. 08/770,123 that were subsequently cancelled or amended.

Applicants and the Examiners also discussed four proposed alternative claims (presented in the concurrently filed continuation application as claims 1, 30, 31 and 32 and corresponding to alternatives 1, 3a, 3b, and 5 discussed at the interview). The Examiners agreed that these alternative claims are supported by Applicants' 1995 filings.

The potential interference between these claims and the Callister '504 patent was also discussed.

Response To Office Action

The Office Action of July 19, 2006 allowed claims 12-21 and rejected claims 22-81 as unpatentable over Callister U.S. Pat. No. 7,073,504. Claims 23-34 and 38-81 are cancelled without prejudice.

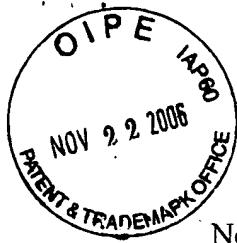
The pending Office Action rejected claims 35-37 over Callister U.S. Pat. No. 7,073,504, however, in Applicants' October 19, 2006 interview with SPEs Patricia Bianco and Henry Bennett, SPRE Jessica Harrison and Examiner Brown, it was agreed that claims 35-37 are entitled to an effective filing date of June 7, 1995 as being supported by parent applications 08/475,252 and 08/474,779. Accordingly, Applicants respectfully submit that the rejection based on Callister '504 must be withdrawn as this reference only has, at the earliest, a December 18, 1996 § 102(e) date.

New dependent claims 82-105 have been added. Each of claims 82-105 depends from an allowed independent claim (either 15, 19 or 20) and should therefore be in condition for allowance.

The Office Action also requests consideration of the most recent requirements for any interference requests. Accordingly, Applicants respectfully submit herewith a SUGGESTION OF INTERFERENCE (re: U.S. Patent No. 6,096,052) that complies with the current rules, 37 C.F.R. 41.202 and MPEP 2304.

In view of the above, Applicants respectfully submit that this application is in condition for allowance but for the Suggestion of Interference and respectfully request that an Interference be declared with dispatch.

If any issues remain that may be resolved through a telephone interview, Applicants request that the Examiner contact Applicants' counsel at the number noted below.



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Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/20, 2006

A handwritten signature of James C. Scheller, Jr., in black ink, followed by a horizontal line. Below the signature, the name "James C. Scheller, Jr." is printed in a small, standard font, and below that, "Reg. No. 31,195".

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Date of Deposit

Cathi L.G. Thoressell

Name of Person Mailing Correspondence

A handwritten signature of Cathi L.G. Thoressell, consisting of two lines of cursive script.

Signature

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Date